

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
ERIC EDWARDS, Individually and on Behalf of All Other  
Persons Similarly Situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK,

Defendant.

**DECLARATION OF  
ASSISTANT CORPORATION  
COUNSEL MEGAN  
BURROWS CARPENTER**

08 Civ. 3134 (DLC)

----- x  
**MEGAN BURROWS CARPENTER** declares, pursuant to 28 U.S.C. § 1746  
and subject to the penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant in the above-captioned action. I submit this declaration in support of defendant's second motion for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure.

2. I am familiar with the facts set forth herein based upon my review of records maintained by the City of New York and the New York City Department of Correction ("DOC"), as well as my conversations with DOC employees.

3. Annexed to this declaration as Exhibits A to Y are documents maintained in the ordinary course of defendant's business, public records, excerpts from the transcripts of the depositions of plaintiffs, witnesses Ira Kleinburd, Peter Panagi and Cynthia Lewis, and which are relied upon and cited in defendant's Local Civil Rule 56.1 Statement of Undisputed Material Facts submitted herewith in support of defendant's motion. Copies of these documents and excerpts are as follows:

4. Excerpts from the transcript of defendant's Rule 30(b)(6) witness Ira Kleinburd's deposition, taken on October 14, 2010, are annexed hereto as Exhibit A;

5. A portion of the relevant Collective Bargaining Agreement, entered into by and between DOC and plaintiffs' union, is annexed hereto as Exhibit B;

6. Excerpts from the transcript of defendant's Rule 30(b)(6) witness Peter Panagi's deposition, taken on January 15, 2009, are annexed hereto as Exhibit C;

7. Excerpts from the transcript of defendant's Rule 30(b)(6) witness Cynthia Lewis' deposition, taken on February 28, 2011, are annexed hereto as Exhibit D;

8. Excerpts from the transcript of plaintiff Reinaldo Colon's deposition, taken on December 20, 2010, are annexed hereto as Exhibit E;

9. Excerpts from the transcript of plaintiff Immanuel Washington's deposition, taken on February 25, 2011, are annexed hereto as Exhibit F;

10. Excerpts from the transcript of plaintiff Michael Crivera's deposition, taken on January 25, 2011, are annexed hereto as Exhibit G;

11. Excerpts from the transcript of plaintiff Theodore Allbright's deposition, taken on February 9, 2011, are annexed hereto as Exhibit H;

12. Excerpts from the transcript of plaintiff Derrick Been's deposition, taken on January 25, 2011, are annexed hereto as Exhibit I;

13. Excerpts from the transcript of plaintiff Alethea Miller's deposition, taken on March 9, 2011, are annexed hereto as Exhibit J;

14. Excerpts from the transcript of plaintiff Vandorn Ladson's deposition, taken on December 17, 2010, are annexed hereto as Exhibit K;

15. Excerpts from the transcript of plaintiff Julio Contreras's deposition, taken on February 9, 2011, are annexed hereto as Exhibit L;

16. Excerpts from the transcript of plaintiff Darlene Sanders's deposition, taken on February 3, 2011, are annexed hereto as Exhibit M;

17. Excerpts from the transcript of plaintiff Joseph Franco's deposition, taken on March 11, 2011, are annexed hereto as Exhibit N;

18. Excerpts from the transcript of plaintiff Trina Jackson-Gaspard's deposition, taken on January 21, 2011, are annexed hereto as Exhibit O;

19. Excerpts from the transcript of plaintiff Noel Gershonowitz's deposition, taken on February 23, 2011, are annexed hereto as Exhibit P;

20. Excerpts from the transcript of plaintiff Harry Bass's deposition, taken on March 9, 2011, are annexed hereto as Exhibit Q;

21. Excerpts from the transcript of plaintiff John Shaws's deposition, taken on January 11, 2011, are annexed hereto as Exhibit R;

22. Excerpts from the transcript of plaintiff Marilyn Steele's deposition, taken on December 13, 2010, are annexed hereto as Exhibit S;

23. Excerpts from the transcript of plaintiff Rafael Crespo's deposition, taken on March 2, 2011, are annexed hereto as Exhibit T;

24. Excerpts from the transcript of plaintiff Augustin Rivera's deposition, taken on December 29, 2011, are annexed hereto as Exhibit U;

25. Excerpts from the transcript of plaintiff Philip Kinard's deposition, taken on February 23, 2011, are annexed hereto as Exhibit V;

26. Excerpts from the transcript of plaintiff Celestino Monclova's deposition, taken on February 4, 2011, are annexed hereto as Exhibit W;

27. The report prepared by defendant's expert, Dr. Christopher Erath, is annexed hereto as Exhibit X;

28. The Declaration of Dr. Christopher Erath, submitted in support of defendant's second motion for summary judgment, is annexed hereto as Exhibit Y; and

29. Administrative Order, dated March 17, 1986, is annexed hereto as Exhibit Z.

Dated: New York, New York  
March 16, 2012

  
Megan Burrows Carpenter  
Assistant Corporation Counsel